

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0998-WQ-E TCEQ ID: RN105329510 CASE NO.: 36062
RESPONDENT NAME: S & J Endeavors, L.L.C.

Page 1 of 2

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION OCCURRED: Rim Rock Phase I subdivision, approximately two miles northeast of Farm to Market Road 1826 and Farm to Market Road 967, Dripping Springs, Hays County</p> <p>TYPE OF OPERATION: Homebuilding construction business</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on June 20, 2007, alleging that homebuilders in the Rim Rock subdivision were not complying with Best Management Practices. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 3, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Stephanie J. Frazee, Litigation Division, MC 175, (512) 239-3693 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Lauren Smitherman, Water Enforcement Section, MC 169, (512) 239-5223 TCEQ Regional Contact: Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929 Respondents: Mr. Patrick Jaehne, Member, S & J Endeavors, L.L.C., 135 West Oak Loop, Bastrop, Texas 78612 Mr. Stanley Shook, Registered Agent and Member, S & J Endeavors, L.L.C., 147 Old Windmill Lane, Bastrop, Texas 78602 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: June 20, 2007</p> <p>Date of Investigation Relating to this Case: May 9, 2008</p> <p>Date of NOE Relating to this Case: May 14, 2008</p> <p>Background Facts: The EDPRP was filed on October 8, 2008, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that the Respondent received notice of the EDPRP. The EDFARP was filed on December 30, 2008, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDFARP on January 7, 2009, as evidenced by the signature on the card. The Respondent failed to answer the EDPRP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: Not yet in compliance.</p> <p>WQ: Failed to obtain authorization to discharge storm water associated with construction activities [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c)].</p>	<p>Total Assessed: \$2,100</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$2,100</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this proposed Order.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, develop and implement a Storm Water Pollution Prevention Plan and submit a Notice of Intent and associated application fee to comply with the General Permit requirements; and 2. Within 45 days, submit written certification to demonstrate compliance.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 29, 2008

TCEQ

DATES	Assigned	19-May-2008	Screening	17-Jun-2008	EPA Due	
	PCW	15-Sep-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	S & J Endeavors, L.L.C.		
Reg. Ent. Ref. No.	RN105329510		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36062	No. of Violations	1
Docket No.	2008-0998-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Lauren Smitherman
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 5.0% Enhancement Subtotals 2, 3, & 7 \$100

Notes The penalty is enhanced due to one NOV with a same or similar violation.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0.0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$206
Approx. Cost of Compliance	\$2,100

0.0% Enhancement*
*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7 Final Subtotal \$2,100

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$2,100

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$2,100

DEFERRAL 0.0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$2,100

Screening Date 17-Jun-2008

Docket No. 2008-0998-WQ-E

PCW

Respondent S & J Endeavors, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 36062

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN105329510

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty is enhanced due to one NOV with a same or similar violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 17-Jun-2008		Docket No. 2008-0998-WQ-E		PCW
Respondent S & J Endeavors, L.L.C.		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36062		<i>PCW Revision April 29, 2008</i>		
Reg. Ent. Reference No. RN105329510				
Media [Statute] Water Quality				
Enf. Coordinator Lauren Smitherman				
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>		
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)</div>		
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to obtain authorization to discharge storm water associated with construction activities, as documented during a record review conducted on May 9, 2008.</div>		
Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
				Percent <div style="border: 1px solid black; padding: 2px;">0%</div>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
				Percent <div style="border: 1px solid black; padding: 2px;">10%</div>
Matrix Notes	<div style="border: 1px solid black; padding: 5px; text-align: center;">100% of the rule requirement was not met.</div>			
Adjustment				<div style="border: 1px solid black; padding: 2px;">\$9,000</div>
				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>
Violation Events				
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">2</div>	<div style="border: 1px solid black; padding: 2px;">39</div> Number of violation days	
<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px;">\$2,000</div>	
	monthly	x		
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
<div style="border: 1px solid black; padding: 5px; text-align: center;">Two monthly events are recommended based on the investigation date (May 9, 2008) to the screening date (June 17, 2008).</div>				
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$206</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px;">\$2,100</div>	
This violation Final Assessed Penalty (adjusted for limits)			<div style="border: 1px solid black; padding: 2px;">\$2,100</div>	

Economic Benefit Worksheet

Respondent S & J Endeavors, L.L.C.

Case ID No. 36062

Reg. Ent. Reference No. RN105329510

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	1-Aug-2007	31-Dec-2008	1.42	\$9	\$189	\$199
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$100	1-Aug-2007	31-Dec-2008	1.42	\$7	n/a	\$7
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a storm water permit and to develop and implement a storm water pollution prevention plan (SWP3). Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,100

TOTAL

\$206

Compliance History

Customer/Respondent/Owner-Operator: CN603238064 S & J ENDEAVORS LLC Classification: AVERAGE Rating: 2.50
Regulated Entity: RN105329510 S & J ENDEAVORS RIM ROCK Classification: AVERAGE Site Rating: 2.50
ID Number(s):
Location: APPROX 2 MI NE OF FM 1826 & FM 967 OFF FM 1826, HAYS CO, TX Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: June 10, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 10, 2003 to June 10, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Lauren Smitherman Phone: 512-239-5223

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 08/28/2007 (573814)
2 05/12/2008 (669909)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 08/30/2007 (573814)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Failure to obtain coverage under the Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP).
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
S & J ENDEAVORS, L.L.C.,
RN105329510**

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§
§
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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2008-0998-WQ-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is S & J Endeavors, L.L.C. ("S & J Endeavors").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. S & J Endeavors is a homebuilding construction business located out of 147 Old Windmill Lane, Bastrop, Bastrop County, Texas, operating a construction site located at the Rim Rock Phase I subdivision approximately two miles northeast of Farm to Market Road 1826 and Farm to Market Road 967 off of Farm to Market Road 1826 in Dripping Springs, Hays County, Texas ("the Site").
2. The Site has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any state water under the Texas Water Code.
3. During an investigation conducted on May 9, 2008, a TCEQ Austin Regional Office investigator documented that S & J Endeavors failed to obtain authorization to discharge storm water associated with construction activities.
4. S & J Endeavors received notice of the violation on or about May 19, 2008.

5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of S & J Endeavors, L.L.C." (the "EDPRP") in the TCEQ Chief Clerk's office on October 8, 2008.
6. By letter dated October 8, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served S & J Endeavors with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that S & J Endeavors received notice of the EDPRP.
7. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of S & J Endeavors, L.L.C." (the "EDFARP") in the TCEQ Chief Clerk's office on December 30, 2008.
8. By letter dated December 30, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served S & J Endeavors with notice of the EDFARP. According to the return receipt "green card," S & J Endeavors received notice of the EDFARP on January 7, 2009, as evidenced by the signature on the card.
9. More than twenty days have elapsed since S & J Endeavors received notice of the EDPRP and the EDFARP provided by the Executive Director. S & J Endeavors failed to file an answer to the EDPRP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, S & J Endeavors is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, S & J Endeavors failed to obtain authorization to discharge storm water associated with construction activities in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c).

3. As evidenced by Finding of Fact Nos. 5, 6, 7, and 8, the Executive Director timely served S & J Endeavors with proper notice of the EDPRP and the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a) and (c)(2).
4. As evidenced by Finding of Fact No. 9, S & J Endeavors failed to file a timely answer to the EDPRP or the EDFARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against S & J Endeavors and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against S & J Endeavors for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of two thousand one hundred dollars (\$2,100.00) is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. S & J Endeavors is assessed an administrative penalty in the amount of two thousand one hundred dollars (\$2,100.00) for violations of TEX. WATER CODE ch. 26 and rules of the TCEQ. The payment of this administrative penalty and S & J Endeavors's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within thirty days after the effective date of this Order and shall be sent with the notation "Re: S & J Endeavors; Docket No. 2008-0998-WQ-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. S & J Endeavors shall undertake the following technical requirements:

- a. Within thirty days after the effective date of this Order, S & J Endeavors shall develop and implement a Storm Water Pollution Prevention Plan and submit a Notice of Intent and associated application fee to comply with the General Permit requirements in accordance with 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c) to:

Wastewater Permitting Section
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within forty five days after the effective date of this Order, S & J Endeavors shall submit written certification as described below and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Carolyn Runyon, Water Section Manager
Texas Commission on Environmental Quality
Austin Regional Office
2800 South IH 35, Suite 100
Austin, Texas 78704-5700

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon S & J Endeavors. S & J Endeavors is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. If S & J Endeavors fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, S & J Endeavors's failure to comply is not a violation of this Order. S & J Endeavors shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. S & J Endeavors shall notify the Executive Director within seven days after S & J Endeavors becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by S & J Endeavors shall be made in writing to the Executive Director. Extensions are not effective until S & J Endeavors receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to S & J Endeavors if the Executive Director determines that S & J Endeavors has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF STEPHANIE J. FRAZEE

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"My name is Stephanie J. Frazee. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

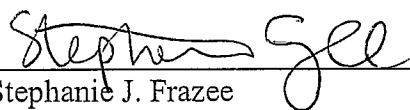
On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of S & J Endeavors, L.L.C." (the "EDPRP") with the Office of the Chief Clerk on October 8, 2008.

I sent the EDPRP to S & J Endeavors at its last known address on October 8, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating the respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of S & J Endeavors, L.L.C." (the "EDFARP") with the Office of the Chief Clerk on December 30, 2008.

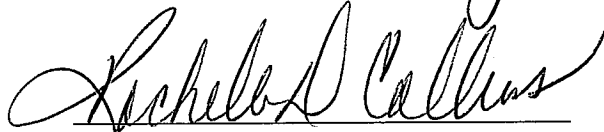
I sent the EDFARP to S & J Endeavors at its last known address on December 30, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," S & J Endeavors received notice of the EDFARP on January 7, 2009, as evidenced by the signature on the card.

More than twenty days have elapsed since S & J Endeavors received notice of the EDPRP and the EDFARP. S & J Endeavors failed to file an answer to the EDPRP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference."


Stephanie J. Frazee
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Stephanie J. Frazee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 18th day of February, A.D., 2009.



Notary Signature

Notary Stamp

